

UNITED STATES DISTRICT COURT
DISTRICT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS

WILNICK DORVAL, . Civil No. 16-CV-00050-CVG-RM

Vs. .

SAPPHIRE VILLAGE CONDOMINIUM . 5500 Veterans Drive, Rm 310
OWNERS ASSOCIATION, ET AL, . St. Thomas, VI 00802,
. August 9, 2016

.
WILNICK DORVAL .

Vs. .

MOES FRESH MARKET, .

.

. Civil No. 16-CV-00061-WAL-RM

TRANSCRIPT OF HEARING
BEFORE THE HONORABLE RUTH MILLER
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

For the Plaintiff: WILNICK DORVAL, Pro se
6700 Sapphire Village, Apartment. 265
St. Thomas, VI 00802

ECRO

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I N D E X

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SAPPHIRE VILLAGE CASE

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MOES FRESH MARKET CASE

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Colloquy

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1 THE CLERK: Wilnick Dorval versus Sapphire Village.

2 THE COURT: Are you Mr. Dorval?

3 MR. DORVAL: Yes, I am.

4 THE COURT: Okay, would you stand please, when you
5 speak in the court. Thank you. Come to the podium. You can
6 set your backpack down, that's okay. Good morning, sir.

7 MR. DORVAL: Good morning.

8 THE COURT: State your full name, please?

9 MR. DORVAL: Wilnick Dorval.

10 THE COURT: All right, Dorval, so the emphasis is on
11 the second part. Dorval?

12 MR. DORVAL: Yes.

13 THE COURT: Okay. Mr. Dorval, I wanted to bring you
14 in to talk with you about some procedural issues. You have two
15 cases actually. We'll start with the first one being 2016-50,
16 which is against Sapphire Village Condominium Association, and
17 a number of others. Is that correct?

18 MR. DORVAL: Yes.

19 THE COURT: All right, your intention is to proceed
20 pro se, as your own attorney, correct?

21 MR. DORVAL: At this time, yes. Until I find an
22 attorney.

23 THE COURT: Okay. You are -- can you hear?

24 THE CLERK: Can you speak right into the --

25 THE COURT: We want to make sure we record you. Why

Colloquy

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1 don't you repeat your answer.

2 MR. DORVAL: At this time I will proceed pro se, but
3 until I find an attorney or the Court help me find an attorney.

4 THE COURT: Okay, the Court's not in a position to
5 help you find an attorney. But you are certainly free to be
6 able to find one. You can talk to the Bar Association, you
7 know perhaps they can help you. You have other options in that
8 regard. But the Court is not in the business of providing an
9 attorney for you under these circumstances.

10 MR. DORVAL: I read that, well you have to file a
11 motion that the Court can appoint an attorney for plaintiff
12 doesn't, that are not able to afford an attorney. I can afford
13 an attorney, it's just that I'm unable to locate one that's
14 willing to accept the case.

15 THE COURT: I see.

16 MR. DORVAL: So I'm hoping that --

17 THE COURT: Well, the Court generally does not
18 appoint attorneys in civil cases. Very limited circumstances
19 are we able to do that. So unless and until you find an
20 attorney to assist you, the Court will be expecting that you
21 will be proceeding with your case on your own. You understand?

22 MR. DORVAL: I understand.

23 THE COURT: Okay. And so there's a couple of things
24 that I wanted to make sure I understood about your matter
25 against Sapphire and the others. You have filed several

Colloquy

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1 amended complaints.

2 MR. DORVAL: Yes.

3 THE COURT: Please speak right into the microphone.

4 MR. DORVAL: Yes, I did.

5 THE COURT: Okay. And you filed motions to amend. I
6 want to make sure that you understand that you are to follow
7 the Rules of Civil Procedure. And it appears that you're
8 trying to follow them, but I think we have a disconnect here.
9 Rule 15 allows you to seek an opportunity to amend your
10 complaint.

11 MR. DORVAL: Right.

12 THE COURT: But you don't have to do that if you
13 haven't served yet. You can go ahead and amend your complaint
14 to add your additional parties.

15 MR. DORVAL: Okay.

16 THE COURT: Which is primarily what you seem to be
17 trying to do, is that correct?

18 MR. DORVAL: That's correct.

19 THE COURT: Have you served anyone yet?

20 MR. DORVAL: No, I haven't got a reply from the
21 service company yet. I've asked for proof of service, they
22 haven't sent it to me, so I assume they haven't.

23 THE COURT: And which version of your complaint have
24 you been trying to serve?

25 MR. DORVAL: The last version.

Colloquy

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1 THE COURT: The latest one?

2 MR. DORVAL: The latest version.

3 THE COURT: Okay. All right, so that's what to make
4 sure that you, you're serving people with the correct version
5 of the complaint. At this point the Court will allow you to
6 amend your complaint, that will not prejudice any party that
7 hasn't been served with a previous complaint. But make sure
8 you understand that Rule 15 doesn't require you to seek the
9 Court's leave under the circumstances that we're presented with
10 right now, and that is nobody has been served yet.

11 MR. DORVAL: Okay.

12 THE COURT: All right? And that actually applies to
13 your other case as well. And we'll talk about that in a
14 second. So I want to make sure that you -- so you have a
15 service company that's making service for you?

16 MR. DORVAL: Yes, that's correct.

17 THE COURT: A process server. And you understand
18 that you have a time limit to make service?

19 MR. DORVAL: Yes.

20 THE COURT: Okay, the new rules provide it's 90 days
21 from the date that you filed your complaint. So you want to
22 make sure that you do that in a timely fashion or seek leave
23 for additional time. All right.

24 So with respect to your motions to amend, the Court's
25 going to allow you to amend, and you'll be serving your fourth

Colloquy

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1 amended complaint or third?

2 MR. DORVAL: Fourth.

3 THE COURT: Fourth amended complaint. And then if
4 you have to seek leave to amend after that, follow the rules in
5 Rule 15. All right? All right that's what I wanted to check
6 in with you about on the first case. And then you have another
7 case. Ms. Bonelli, would you call the next one.

8 THE CLERK: Wilnick Dorval versus Moes Fresh Market,
9 et al.

10 THE COURT: All right, sir, state your name again for
11 me.

12 MR. DORVAL: Wilnick Dorval.

13 THE COURT: All right, thank you. And likewise in
14 this case, you filed a complaint on July 18th and about a week
15 or so later you moved to amend the complaint. You don't need
16 the Court's leave, but the Court will give it to you. And you
17 are trying to serve them the amended, first amended complaint.

18 MR. DORVAL: Right, first amended complaint.

19 THE COURT: Okay. And is that also your intention to
20 proceed pro se in this case?

21 MR. DORVAL: That's correct.

22 THE COURT: All right, unless and until you find an
23 attorney to assist you.

24 MR. DORVAL: That is correct.

25 THE COURT: All right, good. This case will be

Colloquy

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1 handled by Judge Lewis, the other case is being handled by
2 Judge Gomez. So when we get to the point where you've made
3 service and people have appeared, then we'll be able to get
4 together and discuss scheduling and discovery. And we'll have
5 a slightly different calendar for each of the two cases.
6 Because they have different Judges and they have, each Judge
7 has different preferences.

8 Do you have access to the internet?

9 MR. DORVAL: Yes, I do.

10 THE COURT: All right, my suggestion is that you go
11 to the Court's website, and you look at the policies and
12 procedures that each Judge publishes so that you determine, you
13 know, you can determine how to proceed specifically with
14 respect to those Judges. I will be the Magistrate Judge on
15 both cases. At least for the time being unless something else
16 comes up that changes that. So I would be the one handling the
17 pretrial phases of these cases. All right?

18 So that one you have little bit more time for
19 service, the other you're running up in to your 90 days in the
20 next month. So --

21 MR. DORVAL: Did the 90 days start at the date I
22 filed the complaint or --

23 THE COURT: Correct.

24 MR. DORVAL: Or the date of the last amended
25 complaint?

Colloquy

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1 THE COURT: No, the date you filed the complaint.

2 All right? So thank you for coming in. I wanted to just make
3 sure that you understood we were on top of your cases. And you
4 know what rules you need to follow. We have local rules as well
5 as the Civil Rules of Procedure. Those are available on the
6 website as well.

7 Are you a filing user, sir?

8 MR. DORVAL: No.

9 THE COURT: Do you want to be? Because that's --

10 MR. DORVAL: No.

11 THE COURT: No, you don't?

12 MR. DORVAL: I would like to come to the Court and
13 file.

14 THE COURT: Okay, just, it makes service on the other
15 side sometimes more cumbersome. You have to make, you have to
16 mail out your service to the other side and they have to do the
17 same. So it's sometimes easier to be on the electronic filing
18 system. Then you get notice of the Court's orders.

19 MR. DORVAL: I'm on Pacer so I can get --

20 THE COURT: Oh. Okay.

21 MR. DORVAL: I will just file --

22 THE COURT: Okay, it's your choice. It's your
23 choice. All right. Anything else that we can take care of
24 today?

25 MR. DORVAL: Yes. The defendants actually continues

Colloquy

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1 to --

2 THE COURT: Speak right into the microphone.

3 MR. DORVAL: The defendants, they continue to harass
4 me.

5 THE COURT: In which case is this?

6 MR. DORVAL: This is the Sapphire case. The Sapphire
7 Village Condominium, and the tenant, the owner tenants.

8 THE COURT: Yes.

9 MR. DORVAL: They continue to harass me and make a
10 loud noise disturbances during the day and at night. And
11 preventing me from getting any rest or any sleep. Or being
12 able to use my apartment period. I had to call the police last
13 night. This week alone I went to the, I've called the police
14 twice. Went to the police station and filed a complaint
15 against one of the defendants, Jonathon Morgan. Because he
16 went all night with the noise. I only got three hours of sleep
17 that day. This morning I was awakened at 6 a.m. and the noise
18 went to 7:30. I recorded it, so -- with the video camera.

19 So I was wondering if I can motion to get a
20 restraining order to keep the defendants from continuing to
21 inflict this on me, because I have a migraine from this. And
22 I'm exhausted because I don't get enough sleep. I need to be
23 able to read and -- for this case, and I can't because the
24 defendants are making a lot of noise during the day and at
25 night, preventing me from --

Colloquy

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1 THE COURT: Sir, you can file whatever papers you
2 feel are necessary and appropriate according to the Rules, to
3 seek whatever relief you think that you're entitled to. The
4 Court isn't going to try and advise you as to what you should
5 or shouldn't do. It's up to you to review the rules and see if
6 something is available to you and you're free to seek that kind
7 of relief. I mean, I don't know what else to tell you in that
8 regard.

9 MR. DORVAL: Well, yes, in my filing I did ask for,
10 one of the relief I ask for is a temporary restraining order
11 against those defendants, the tenants, the neighbors.

12 THE COURT: Have you -- well, have you served them
13 with your complaint in any respect?

14 MR. DORVAL: No, they haven't been served, what I've
15 done is as soon as I got the sermons (phonetic) from the Court
16 I've sent them a copy of it via certified mail. So that they
17 are aware that I am suing them and that their actions that they
18 are committing is not, is unacceptable to me.

19 THE COURT: So you've sent a copy of the summons to
20 each of the people?

21 MR. DORVAL: That are residing at the St. Vincent
22 Building are currently my neighbors.

23 THE COURT: You sent copies of the summons by
24 certified mail and did you send a copy of the complaint?

25 MR. DORVAL: No, I did not.

Colloquy

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1 THE COURT: All right, you need to serve them
2 according to the Rules with a copy of your complaint as well as
3 a copy of your summons. Otherwise they have no idea what it is
4 that you're alleging against them. And I will bring the fact
5 that you're asking for a temporary restraining order to the
6 District Court Judge's attention. But he may well require that
7 you have service on all of these individuals prior to taking
8 any action on it.

9 MR. DORVAL: So once these defendants are served, I
10 can come back here and ask for and file for a restraining
11 order.

12 THE COURT: Sir, I'm not going to tell you whether
13 you can ask for that or not, you have to determine whether
14 you're entitled to certain types of relief and then seek in
15 whatever appropriate way the relief you're entitled to.

16 MR. DORVAL: Thank you.

17 THE COURT: All right? Thank you very much. And
18 we'll look forward to proceeding with the case once you get
19 your service and people begin to appear in the case. Then we
20 can make further plans as far as scheduling. All right?

21 MR. DORVAL: Thank you.

22 THE COURT: Thank you very much. Have a good day.

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C E R T I F I C A T I O N

I, Patricia Poole, court approved transcriber, certify that the foregoing is a correct transcript from the official digital audio recording of the proceedings in the above-entitled matter.

/S/PATRICIA POOLE

TRACY GRIBBEN TRANSCRIPTION, LLC August 22, 2016

DATE